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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ERICA BLUTH, an individual, and
LAVORIA WILSON, an individual,

Plaintiff,

v.

TYLER BAEHR, and individual, and THE
CITY OF RENO, a political subdivision of
the State of Nevada.,

Defendants.

Case No.: 3:25-cv-00129

**COMPLAINT FOR DAMAGES
AND DECLARATORY RELIEF**

JURY TRIAL DEMANDED

COMES NOW, ERICA BLUTH ("Bluth") and LAVORIA WILSON ("Wilson")
(collectively "Plaintiffs"), by and through the undersigned counsel, and file the following

1 complaint seeking redress for the violation by TYLER MICHAEL BAEHR ("Baehr") and
2 the CITY OF RENO, a political subdivision of the State of Nevada, of Plaintiffs' rights to
3 be free from unreasonable search and seizure in violation of the Fourth Amendment of
4 the United States Constitution and Article 1, Section 18 of the Nevada Constitution.
5

6 **Jurisdiction**

7 1. This action arises under 42 U.S.C. § 1983 and the Nevada Constitution.

8 2. This Court has jurisdiction of this action pursuant to 28 U.S.C. Sections
9 1331, 1343, 1367, 2201 and 42 U.S.C. Sections 1983 and 1988.

10 3. The Court has personal jurisdiction over the Defendants because the
11 alleged incidents described below occurred within this District.
12

13 **Venue**

14 4. Venue is proper pursuant to 28 U.S.C. Section 1391 in the District of
15 Nevada because the acts giving rise to the Plaintiffs' claims occurred in this District.
16

17 **Parties**

18 5. Bluth currently, and at all relevant times, resided in Reno, Nevada.

19 6. Wilson currently, and at all relevant times, resided in Stockton, California.

20 7. Baehr was, at all relevant times, a Police Officer employed by the City of
21 Reno.

22 8. Baehr was at all times relevant herein acting under color of state law as
23 described below.
24

25 9. Baehr is sued in his individual capacity.

26 10. At all times relevant hereto, Baehr was acting within the scope of his
27 employment with the City of Reno at the time of the incidents complained of herein.
28

1 11. Defendant City of Reno is a political subdivision of the state of Nevada
2 and a municipal corporation, duly organized and existing under the laws of the State of
3 Nevada.

4 12. Under its authority, the City of Reno operates the Reno Police
5 Department ("RPD").
6

7 **Statement of Facts - Bluth Incident**

8 13. On New Year's Eve 2023, Bluth was pulled over by Defendant Baehr, a
9 Reno Police Officer in Reno, Nevada.

10 14. During the traffic stop, Baehr took Bluth's cell phone to his patrol vehicle
11 for approximately 10 minutes after Bluth provided proof of insurance.
12

13 15. Following the traffic stop, Baehr asked Bluth for her phone number and
14 asked if he could call her.

15 16. Bluth felt obligated to engage in text communication with Baehr due to
16 his position of authority, and met him once for coffee around February 10, 2024, during
17 which he showed up in uniform and made various comments and innuendos that made
18 Bluth feel uncomfortable.
19

20 17. On September 4, 2024, two detectives from the Sparks Police
21 Department visited Bluth at her parents' home. During this visit, the detectives showed
22 Bluth multiple personal and intimate videos and images of Bluth that were stored on
23 her personal phone that appeared to have been photographed from another device.
24

25 18. Bluth never sent these images and videos to Baehr, leading her to believe
26 that Baehr accessed and copied these images from her phone without her knowledge
27 or consent during the New Year's Eve 2023 traffic stop.
28

Statement of Facts - Wilson Incident

19. On August 12, 2024, Wilson was subjected to similar conduct by Baehr during a traffic stop in Reno, Nevada.

20. Wilson was driving by the Reno Police Station near 2nd St when she was pulled over by Baehr.

21. Baehr indicated that he pulled over Wilson because Wilson had a temporary registration tag.

22. During this traffic stop, Baehr took possession of Wilson's cell phone under similar pretenses as Bluth, i.e. under the pretext that Baehr would obtain information about her car insurance.

23. During the seizure, while alone in his police vehicle with Ms. Wilson's cell phone, Baehr accessed and viewed Wilson's personal information, including sexually explicit videos of her and intimate photographs, without consent or legal justification.

24. Baehr's viewing of her phone included looking through her personal text messages and through her Snapchat account.

25. After asking questions unrelated to the stop, including asking her if she had any illegal items in her vehicle, Baehr let Wilson go without issuing a citation, deceptively justifying the duration of the seizure by claiming difficulties looking up her information.

26. In early to mid September 2024, Wilson was contacted by a Sparks Police Officer who conducted an interview of Wilson and informed her that her personal information had been viewed by Baehr during the August traffic stop.

Violation of Fourth Amendment Rights Under 42 U.S.C. § 1983

28. Plaintiffs repeat and reallege the allegations set forth in the foregoing paragraphs as though fully set forth herein.

30. Under the totality of the facts and circumstances, a prudent person would not have concluded that there was any fair probability that inspection or copying of Plaintiffs' personal phone contents was necessary or legally justified.

32. At the time of both incidents, the right to be free from unreasonable searches and seizures of cell phones and their contents was a clearly established Constitutional right.

33. Baehr acted unreasonably and with reckless disregard for Plaintiffs' clearly established constitutional rights by: Taking possession of their phones under

1 the pretext of official business; Exceeding any legitimate scope of examination of the
2 phones; With respect to Plaintiff Bluth, not just accessing and viewing but also copying
3 private contents without authorization; and using his position of authority to obtain
4 personal information for non-law enforcement purposes.

5
6 34. As a result of the acts described above, Baehr deprived Plaintiffs of their
7 rights to be free from unlawful search and seizure, in violation of the Fourth
8 Amendment to the Constitution of the United States, causing damages to Plaintiffs.

9 35. The acts of Baehr described above were dishonest, intentional, wanton,
10 malicious, and oppressive, thus entitling Plaintiffs to an award of punitive damages.

11 36. In addition to the relief requested above, the Plaintiffs request relief as
12 described in the prayer for relief below.
13

14 **Second Cause of Action**

15 **Violation of Nevada Constitution Article 1, Section 18**

16 **(Against Baehr and the City of Reno)**

17 37. Plaintiffs repeat and reallege the allegations set forth in the foregoing
18 paragraphs as though fully set forth herein.
19

20 38. Article 1, Section 18 of the Nevada Constitution guarantees the right of
21 people to be secure in their persons, papers and effects against unreasonable
22 searches and seizures.

23 39. Baehr's actions in accessing personal information from Plaintiff Wilson's
24 phone without warrant, probable cause, or other legal justification and, with respect to
25 Plaintiff Bluth, accessing and additionally copying personal information without
26
27
28

1 warrant, probable cause, or other legal justification, violated their rights under the
2 Nevada Constitution.

3 40. As a direct and proximate result of these violations, Plaintiffs have
4 suffered damages including but not limited to violation of their constitutional rights,
5 invasion of privacy, emotional distress, and mental anguish.
6

7 **Third Cause of Action**

8 **Intrusion Upon Seclusion**

9 **(Against Baehr and the City of Reno)**

10 41. Plaintiffs repeat and reallege the allegations set forth in the foregoing
11 paragraphs as though fully set forth herein.
12

13 42. Baehr intentionally intruded upon Plaintiffs' solitude and seclusion by:
14 Taking physical possession of their cell phones under the pretext of official police
15 business; Accessing private and intimate photographs and videos stored on their
16 phones without authorization; With respect to Plaintiff Bluth, additionally creating
17 copies of these private and intimate materials without consent; and Maintaining
18 possession of these private materials for his personal use.
19

20 43. Plaintiffs had a reasonable expectation of privacy in the contents of their
21 personal cell phones, particularly their private and intimate photographs and videos.

22 44. Baehr's intrusion would be highly offensive to a reasonable person, as it
23 involved: Abuse of police authority to gain access to private information; Violation of
24 trust placed in law enforcement; Copying of intimate and personal materials without
25 consent; and use of a routine traffic stop to obtain unauthorized access to private
26 information.
27
28

1 50. The training policies of the City of Reno were not adequate to train its
2 police officers to handle the usual and recurring situations with which they must deal,
3 specifically: a. Proper constitutional limitations on searching and seizing cell phones
4 during traffic stops; b. Appropriate handling of citizens' personal property during
5 routine police encounters; c. Constitutional requirements for accessing private
6 information on personal devices; d. Professional boundaries during traffic stops and
7 other police encounters; and e. Prohibition on using police authority to obtain personal
8 information for non-law enforcement purposes.
9

10 51. The City of Reno was deliberately indifferent to the known or obvious
11 consequences of its failure to train its police officers adequately. This deliberate
12 indifference is demonstrated by: a. The recurring nature of the misconduct, as
13 evidenced by two separate incidents involving the same type of Fourth Amendment
14 violation by the same officer; b. The obvious need for training on handling increasingly
15 common situations involving cell phones and digital privacy during traffic stops; c. The
16 clear foreseeability that officers would encounter situations requiring them to handle
17 citizens' cell phones during routine traffic stops; d. The well-established constitutional
18 jurisprudence regarding cell phone privacy rights; and e. The substantial risk that,
19 without proper training, officers would violate citizens' Fourth Amendment rights when
20 handling their cell phones and personal information.
21
22

23 52. The City's failure to provide adequate training caused the deprivation of
24 Plaintiffs' Fourth Amendment rights by Baehr and played a substantial part in bringing
25 about or actually causing injury to Plaintiffs, in that: a. Proper training would have
26 informed officers that accessing and copying personal information from cell phones
27
28

1 during traffic stops without warrant or probable cause violates the Fourth Amendment;
2 b. Adequate training would have prevented officers from exceeding the scope of
3 legitimate law enforcement activities during traffic stops; c. Appropriate training would
4 have established clear protocols for handling citizens' personal property and
5 information; and d. Proper training would have prevented officers from using their
6 authority to obtain personal information for non-law enforcement purposes.
7

8 53. The City of Reno's inadequate training policies amount to deliberate
9 indifference to the Fourth Amendment rights of persons with whom its police officers
10 come into contact, as the facts available to the City put it on actual or constructive
11 notice that its failure to train adequately was substantially certain to result in
12 constitutional violations.
13

14 54. As a direct and proximate result of the City of Reno's failure to train,
15 Plaintiffs have suffered damages including violation of their Fourth Amendment rights,
16 mental and emotional injury and pain, mental anguish, suffering, humiliation, and
17 embarrassment.
18

19 55. Plaintiffs have been required to retain the services of an attorney to
20 pursue this action and are entitled to recover attorney's fees and costs incurred
21 pursuant to 42 U.S.C. § 1988.
22

23 WHEREFORE, the Plaintiffs request that this Court:

24 a. Enter a declaratory judgment that the actions complained of herein are
25 unlawful and violate the United States Constitution and Nevada law.

26 b. Order Defendants to pay compensatory damages for the Plaintiffs' emotional
27 distress and mental anguish, in amounts to be proven at trial;
28

1 c. Order Defendants to pay exemplary and punitive damages;

2 d. Order Defendants to pay attorneys' fees and costs of the action pursuant to
3 42 U.S.C. 1988;

4 e. Order Defendants to pay interest at the legal rate on such damages as
5 appropriate; and
6

7 f. Grant any further relief that the Court deems just and proper.

8 Dated: Mar 5, 2025

9 By: /s/ Luke Busby, Esq.

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